

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EXXONMOBIL OIL CORPORATION,

Petitioner,

-against-

16 CIVIL 9527 (MKV)

JUDGMENT

TIG INSURANCE COMPANY,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated November 17, 2022, the Court has reviewed the R&R for clear error. The Court finds none and agrees with the R&R that judgment was "ascertained in a meaningful way and supported by the evidence" on May 26, 2020, when Judge Ramos confirmed the arbitral award and entered judgment for ExxonMobil. *Andrulonis v. United States*, 26 F.3d 1224, 1233 (2d Cir. 1994) (quoting *Kaiser Aluminum & Chem. Corp. v. Bonjorno*, 494 U.S. 827, 836 (1990)); see also *NML Cap. v. Republic of Argentina*, 435 F. App'x 41, 43 (2d Cir. 2011) ("In general, pre-judgment interest ceases to accrue, and post-judgment interest begins to accrue, as of the date that judgment first 'is ascertained in a meaningful way and supported by the evidence.'" (quoting *Adrian v. Town of Yorktown*, 620 F.3d 104, 107 (2d Cir. 2010))). That judgment has never been disturbed by this Court, nor was it set aside after a separate review on appeal. The Court finds ExxonMobil's suggestion that this Court should be guided by Ninth Circuit authority-rather than "certain decisions in the Second Circuit"-unpersuasive. See ExxonMobil Letter 3. Moreover, contrary to ExxonMobil's argument, the Second Circuit has expressly rejected the consideration of equities in determining what date "trigger[s] the running of interest." See, e.g., *Andrulonis*, 26 F.3d at 1233. The Court therefore adopts the R&R in its

entirety as the opinion of the Court, and judgment is entered for Mobil in the amount of \$26,744,519.50, representing the \$25,000,000 awarded in arbitration, plus prejudgment interest on that amount accruing at a rate of 9% per annum pursuant to N.Y. CPLR §§ 5002 and 5004.

Dated: New York, New York

November 18, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk